

**Y Pwyllgor Plant, Pobl Ifanc
ac Addysg**

**Children, Young People
and Education Committee**

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Jeremy Miles MS

Minister for Education and Welsh Language

Dyddiad | Date 24 November 2021

Pwnc | Subject: Tertiary education and Research (Wales) Bill

Dear Jeremy,

Thank you for giving evidence to the Committee on 18 November on the Bill. As I noted during the session, there were some outstanding questions which we agreed to write to you on. To help inform our scrutiny, we would appreciate a response by Monday 13 December.

Policy objectives and need for legislation

1. What is Welsh Government's evidence base for believing the Bill will realise Welsh Government's intent? Your cost-benefit analysis by Alma Economics identified gaps in the evidence-base and appears to have had some misunderstandings about the nature of the proposed reforms. For example it indicates that the Commission will bring together the sector under one regulatory umbrella, and cites that this will eliminate confusion around overlapping roles of a number of organisations, it then lists a number of organisations which are outside devolved competence, such as the UK Government Department for Education and Skills; and the QAA.
2. No clear rationale is present in the Explanatory Memorandum on why some options were dropped early on in the process. This makes it very difficult to understanding Welsh Government's decision-making process for this new Bill. Can you explain why there isn't more information on this available to us?

Commencement and implementation challenges

3. How will the regulatory and funding transition be managed considering providers will need to apply for registration and prepare those applications?

Welsh Ministers influence over the Commissioner and providers

4. What is the rationale for not giving the Commission powers to establish its own coherent funding framework, but to instead set eligibility for funding based on Welsh Minister's regulations?
5. HEFCW tell us that: "The legislation enables Government to fund research around the Commission through retaining powers under the Science and Technology Act 1965 and the Higher Education Act 2004. The logic for this is unclear". Can you set out the logic for this?

Barriers to lifelong learning and collaboration

6. What is the rationale for not expecting all providers to meet the equality of opportunity on-going condition for registration? Which providers will be expected to meet this condition?

Quality assurance and Estyn

7. To what extent have you addressed HEFCW's concerns regarding the consideration of quality arrangements for transnational education, validation arrangements and degree apprenticeships?
8. Post legislative scrutiny of the HE Act found that the quality assurance system for further education providers that delivered higher education meant subjecting institutions to both QAA and Estyn requirements. The Bill appears to continue this situation – can you set out the rationale for this.

Apprenticeships and sixth forms

9. During the session, you agreed to respond in writing to this question: Do main apprenticeship contractors currently need consent from Welsh Government to pass on funding to sub-contractors, and if not, what's the rationale for changing this in the Bill to require consent?

Learner Voice

10. How do you envisage Learner Protection Plans will support students who wish to transfer courses when there are often systemic barriers to doing so, such as recognising advanced standing and credit transfer?
11. To what extent will there be consistency of expectation across all tertiary education providers regarding the level of commitment and content of their Learner Protection Plan?

During the session, you also agreed to share with us the legislation implementation plan. Can you confirm when you will be able to share this with us? You also agreed to provide the Committee with a note on how you envisage the relationship between employers, awarding bodies, the Commission and Qualifications Wales will improve through the Bill.

I look forward to receiving your response.

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive, flowing style.

Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.